



Adopted in House Comm. on Jan 25, 2006

09400HB4462ham001

LRB094 16989 RSP 54746 a

1 AMENDMENT TO HOUSE BILL 4462

2 AMENDMENT NO. _____. Amend House Bill 4462 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pesticide Act is amended by
5 changing Section 14 as follows:

6 (415 ILCS 60/14) (from Ch. 5, par. 814)

7 Sec. 14. Unlawful Acts.

8 1. The following are violations of this Act, if any person:

9 A. Made false or fraudulent claims through any media
10 misrepresenting the effect of pesticides or methods.

11 B. Applied known ineffective or improper pesticides.

12 C. Applied pesticides in a faulty, careless, or
13 negligent manner.

14 D. Used or made recommendation for use of a pesticide
15 inconsistent with the labeling of the pesticide.

16 E. Neglected, or after notice in writing, refused, to
17 comply with provisions of this Act, the regulations adopted
18 hereunder, or of any lawful order of the Director,
19 including the limitations specified in a duly issued
20 permit, certification, or registration.

21 F. Failed to keep and maintain records required by this
22 Act or failed to make reports when and as required or made
23 false or fraudulent records or reports.

24 G. Used or supervised the use of a pesticide without

1 qualifying as a certified applicator or licensed operator.

2 H. Used fraud or misrepresentation in making
3 application for, or renewal of, any license, permit,
4 certification, or registration or in demonstration of
5 competence.

6 I. Aided or abetted a person to evade provisions of
7 this Act, conspired with any person to evade provisions of
8 this Act or allowed a license, permit, certification or
9 registration to be used by another person.

10 J. Impersonated any federal, state, county, or city
11 official.

12 K. Purchased pesticides by using another person's
13 license or using or purchasing pesticides outside of a
14 specific category for which that person is licensed or any
15 other misrepresentation.

16 L. Fails to comply with the rules and regulations
17 adopted under the authority of this Act.

18 2. Except as provided in Section 14 (2G), it is unlawful
19 for any person to distribute in the State the following:

20 A. A pesticide not registered pursuant to provisions of
21 this Act.

22 B. Any pesticide, if any claim made for it, use
23 recommendation, other labeling or formulation, differs
24 from the representations made in connection with
25 registration. However, a change in labeling or formulation
26 may be made within a registration if the change does not
27 violate provisions of FIFRA or this Act.

28 C. Any pesticide unless in the registrants unbroken
29 container.

30 D. Any pesticide container to which all label
31 information required under provisions of this Act has not
32 been securely affixed.

33 E. Any pesticide which is adulterated or misbranded or
34 any device which is misbranded.

1 F. Any pesticide in a container which, due to damage,
2 is hazardous to handle and store.

3 G. It shall not be unlawful to distribute pesticides
4 "in bulk" provided such distribution does not violate the
5 provisions of this Act, the Rules and Regulations under
6 this Act, or FIFRA.

7 3. It shall be unlawful:

8 A. To sell any pesticide labeled for restricted use to
9 any applicator not certified, unless such applicator has a
10 valid permit authorizing purchase under a special
11 exemption from certification requirements.

12 B. To handle, store, display, use or distribute
13 pesticides in such manner as to endanger man and his
14 environment, to endanger food, feed or other products that
15 may be stored, displayed or distributed with such
16 pesticides.

17 C. To use, dispose of, discard, or store pesticides or
18 their containers in such a manner as to endanger public
19 health and the environment or to pollute water supplies.

20 D. To use for personal advantage, reveal to persons,
21 other than the Director designee or properly designated
22 official of other jurisdictions, or to a physician or other
23 qualified person in cases of emergency for preparation of
24 an antidote any information judged as relating to trade
25 secrets. To use or reveal a financial information obtained
26 by authority or marked as privileged or confidential by a
27 registrant.

28 E. To sell any pesticide labelled for restricted use
29 over an Internet website to an Illinois resident who is not
30 a certified pesticide applicator as provided under Section
31 11 of this Act.

32 4. Exemptions from the violation provisions of this Act are
33 as follows:

34 A. Carriers lawfully engaged in transporting

1 pesticides within this State, provided that such carrier
2 shall upon request permit the Director to copy all records
3 showing transactions in the movement of the pesticide or
4 device.

5 B. Public officials of this State or the federal
6 government while engaged in the performance of official
7 duties in administration of pesticide laws or regulations.

8 C. Persons who ship a substance or mixture of
9 substances being tested for the purpose of determining its
10 value for pesticide use, to determine its toxicity or other
11 properties and from which such user does not derive any
12 benefit in pest control from its use.

13 5. No pesticide or device shall be deemed in violation of
14 this Act when intended solely for export to a foreign country.
15 If it is not exported all the provisions of this Act shall
16 apply.

17 (Source: P.A. 87-128.)".